

**Proposed Permanent Regulations
Of Department of Public Safety
Nevada Highway Patrol Division**

Explanation: Matter in italics is new; matter in brackets to be omitted.

Authority: Chapter 557, Statutes of Nevada 1993

NAC 706.247 Adoption and enforcement of ~~federal~~ regulations for motor carrier safety. ([NRS 706.166](#), [706.171](#), [706.173](#))

1. The department and the transportation services authority hereby adopt by reference the regulations contained in 49 C.F.R. Parts 40, 382, 383, 385, 387, 390 to 393, inclusive, 395, 396 and 397, and appendices B and G of 49 C.F.R. Ch. III, Subch. B, as [those regulations existed on January 2, 2002] *of the Federal Register dated October 1, 2003*, with the following exceptions [applying to those carriers regulated by the transportation services authority]:

(a) References to the Department of Transportation and the Federal Motor Carrier Safety Administration are amended to refer to the department and the transportation services authority.

(b) References to the Administrator of the Federal Motor Carrier Safety Administration and to the Director are amended to refer to the director of the department and the chairman.

(c) Section 391.11(b)(1) applies only to drivers of commercial motor vehicles who:

(1) Operate in interstate transportation;

(2) Transport passengers intrastate; or

(3) Transport hazardous material of a type or quantity that requires the vehicle to be marked or placarded in accordance with 49 C.F.R. §§ 172.300 and 172.500.

(d) References to special agents in appendix B of 49 C.F.R. Ch. III, Subch. B are amended to include personnel of the department and the transportation services authority.

(e) The definition of “motor carrier” in 49 C.F.R. §§ 390.5 and 397.65 is amended to read:

“Motor carrier” includes, without limitation, interstate and intrastate common, contract and private carriers of property and passengers, including, without limitation, their agents, officers and representatives.

(f) The definition of “commercial motor vehicle” in 49 C.F.R. §§ 382.107, 385.3 and 390.5 is amended to read:

“Commercial motor vehicle” means any self-propelled or towed vehicle used on public highways in:

1. Interstate commerce to transport passengers or property if the vehicle:

(a) Is designed to transport more than eight passengers, including, without limitation, the driver;

(b) Is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary pursuant to the Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et seq.; or

- (c) Has a gross vehicle weight rating, gross combination weight rating or gross vehicle weight of 10,001 or more pounds, whichever is greater.
- 2. Intrastate commerce to transport passengers or property if the vehicle:
 - (a) Is one described in paragraph (a) or (b) of subsection 1;
 - (b) Has a gross vehicle weight rating, gross combination weight rating or gross vehicle weight of [10,001] *26,001* or more pounds, whichever is greater; or
 - (c) Is owned or operated by a motor carrier subject to the jurisdiction of the transportation services authority *with a gross weight rating, gross combination weight rating or gross vehicle weight of 10,001 or more pounds, whichever is greater*, except that any vehicle so owned or operated is subject only to the provisions of 49 C.F.R. §§ 392.2, 392.4, 392.5 and 392.9 and 49 C.F.R. Parts 40, 382, 383, 385, 390, 391, 393, 395, 396 and 397 if the vehicle is not one described in paragraph (a) or (b).
- 2. To enforce these regulations, enforcement officers of the department and the transportation services authority may, during regular business hours, enter the property of a carrier to inspect its records, facilities and vehicles, including, without limitation, space for cargo and warehouses.
- 3. The volume containing 49 C.F.R. Parts 325 to 399, inclusive, is available from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at the price of \$60[.] *or*
- 4. *Electronically published at*
 - a. *(b) For Part 40 at*
http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_49/49cfr40_00.html
 - b. *For* *Parts* *325* *to* *399* *at*
http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title-49/49tab-00.html

[Dep't of Motor Veh., Motor Carrier Reg. § 2, eff. 2-4-82]—(NAC A by Dep't of Motor Veh. & Pub. Safety and Pub. Service Comm'n, 8-26-86; 12-4-89; 5-15-92; A by Transportation Serv. Auth. by R071-98, 10-28-98; R078-98, 1-28-99; A by Dep't of Motor Veh. & Pub. Safety by R205-99, 2-1-2000; A by Transportation Serv. Auth. by R040-02, 9-20-2002)

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